

SAFE DRINKING WATER ACT (SDWA)9-32. Administrative Enforcement: Authority Under Part B:
Proposed and Final Orders and Agency Representation in Hearings

1. **AUTHORITY.** Pursuant to the Safe Drinking Water Act, Part B: to issue orders requiring compliance; to provide the primacy state an opportunity to confer; and to conduct and represent the U.S. Environmental Protection Agency in a public hearing.
2. **TO WHOM DELEGATED.**
 - a. The authorities to issue orders requiring compliance and to provide the primacy state an opportunity to confer are delegated to the chief, Water Enforcement Branch.
 - b. The authority to provide the primacy state an opportunity to confer is delegated to staff in assigned matters.
3. **LIMITATIONS.**
 - a. The above authorities apply only for those cases initiated by the Region.
 - b. Any official exercising the authority to issue compliance orders shall obtain the prior concurrence of the regional counsel or designee.
4. **REDELEGATION AUTHORITY.**
 - a. The authority to issue compliance orders may not be redelegated.
 - b. The authority to provide the primacy state an opportunity to confer and to represent the agency in a public hearing may be redelegated to staff.
 - c. The authority to conduct a public hearing may be redelegated to the regional judicial officer.
 - d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. See Chapter 9 Delegations entitled:
 1. "Civil Judicial Enforcement Actions, Including Collection Actions."
 2. "Emergency TROs."
 3. "Imminent and Substantial Endangerment."
 - b. Section 1414(a)(1)(A) and (B), (f), (g)(1) and (g)(2) of the SDWA.
 - c. Section 1445 of the SDWA.

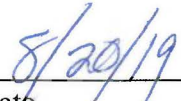
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- d. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.
- e. 40 C.F.R. 142 Subpart J - Procedures for PWS Administration Compliance Orders.



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Date